



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TRANSMITTAL LETTER (Large Entity)

Application Number: 09/985,879

Group Art Unit: 2109

Filed: November 6, 2001

Examiner Name: TRAN, Quoc A.

Applicant: Nardone

Attorney Docket Number: 20-559

TITLE: SYSTEM FOR A CONFIGURABLE OPEN DATABASE CONNECTING CONDUIT

Total Number of Pages in this Submission: 8

**COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450**

SIR:

Transmitted herewith is
Reply Brief – 7 pages.

The Commissioner is hereby authorized to charge any additional fees required under 37 C.F.R. 1.16 or any patent application processing fees under 37 C.F.R. 1.17 associated with this communication, or credit any over payment to **Deposit Account No. 50-0687 under Order No. 20-559.**

Respectfully submitted,

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Date: October 9, 2007

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



Serial No.: 09/985,879
Filed: November 6, 2001
Group Art Unit: 2176
Examiner: Tran, Quoc
Atty Docket No.: 20-559

IN RE PATENT APPLICATION OF:

NARDONE ET AL.

TITLE: **SYSTEM FOR A CONFIGURABLE OPEN DATABASE CONNECTIVITY
CONDUIT**

October 9, 2007

REPLY BRIEF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants submit herewith the following Reply Brief in accordance with 37 C.F.R. § 41.41.

SUMMARY

The Examiner's Answer exemplifies the frustration of the Applicants in the prosecution of the present application: the Examiner continues to allege that the prior art discloses the Applicants' claimed features and that it would have been obvious at the time of the invention to combine the completely unrelated and irrelevant references of Hawkins, Robertson and Smith to allegedly arrive at the claimed features.

(A) STATUS OF THE CLAIMS

Claims 1-57 are pending in this application. Claims 1-57 stand rejected.

(B) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Whether claims 1-57 are obvious under 35 U.S.C. §103(a) over U.S. Patent No. 6,000,000 to Hawkins et al. ("Hawkins") in view of U.S. Patent Application Publication No. 2001/0047441 to Robertson ("Robertson"), and further in view of The Multi-Boot configuration Handbook, published March 29, 2000 to Smith ("Smith").

(C) ARGUMENT

Section 103 rejections combining Hawkins, Robertson and Smith

The Examiner pointed to various disclosures in Hawkins that allegedly discloses selecting a first database and a second database and programming a conduit with a map file (Examiner's Answer, page 26 and 27). The Applicants continue to respectfully disagree.

As Applicants point out in their specification at page 3, conventional programming of a conduit is a tedious process that requires an experienced programmer using a programming language, e.g., C, Fortran, etc., to code line-by-line the instructions that are performed by a conduit. Applicants' claimed features overcome the deficiencies in the prior arts' method of programming a conduit through use of a graphic user interface to within the process of programming/configuring/generating a conduit. Thus, what conventionally takes an experienced programmer a relatively long time to perform can not be performed in a relatively short period of time. As the Applicants have tried to repeatedly point out to the Examiner, none of the Examiner's prior has anything to do with how a conduit is programmed/configured/generated.

The Examiner points to various features as disclosed by Hawkins (Examiner's Reply, pages 26 and 27). However, as the Applicants have tried to repeatedly point out to the Examiner, the Examiner has failed to show anywhere in Hawkins that has any relevance to programming/configuring/generating a conduit, much less that discloses, teaches or suggest using a GUI within the process to program/configure/generate a conduit, as recited by claims 1-57.

As the Examiner points out, Hawkins discloses conduit libraries 421, 422 and 423 in Figure 4. However, Hawkins discloses the conduit libraries

are the “final” type of computer code used in the synchronization process” at col. 5, lines 41 and 42. Thus, the conduits used in Hawkins have already been programmed to perform their specific synchronization function. Hawkins’ final program code for a conduit does not disclose, teach or suggest how the conduit is programmed/configured/generated, i.e., created, much less disclose, teach or suggest using a GUI within the process to program/configure/generate a conduit, as recited by claims 1-57.

The Examiner next points to Smith to allegedly disclose a GUI for a FTP client in Figure 19.3 (Examiner’s Answer, page 28). However, as the Examiner appears to acknowledge from his description of Smith, Smith discloses a GUI to select a list of local files in one window and a list of remote files in another window (Examiner’s Answer, page 28). Thus, Smith discloses use of a FTP client that uses a GUI for file selection. Smith, like Hawkins discussed above, lacks any relevance to how a conduit is programmed/configured/generated, i.e., created, much less disclose, teach or suggest using a GUI within the process to program/configure/generate a conduit, as recited by claims 1-57.

The Examiner goes on to allege that somehow even though individually Hawkins, Robertson and Smith fail to have any relevance to how a conduit is programmed/configured/generated, i.e., created, the combination teaches the claimed uses of a GUI within the process to program/configure/generate a conduit, as recited by claims 1-57. Examiner’s Answer, pages 29-31

The Examiner acknowledged that Hawkins was relied on to disclose a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer which includes reconciling conduit databases (Examiner’s Answer, page 30). Thus, the Examiner acknowledged that Hawkins fails to disclose, teach or suggest any relevance to how a conduit is programmed/configured/generated, i.e., created, much less disclose, teach or suggest using a GUI within the process to program/configure/generate a conduit, as recited by claims 1-57.

The Examiner alleged that Smith was relied on to disclose a conduit that provides synchronization rules from a map file for a first and second database (Examiner's Answer, page 30). However, the Examiner acknowledged that Smith is directed toward using a GUI for a FTP client (Examiner's Answer, pages 27 and 28). Smith's FTP client is simply a program that allows a user to transfer programs from one computer or server to another with a click of a button, not used for programming/configuring/generating a conduit. Smith, as the Examiner points out, relies on a user to provide selections as to the files being transferred between one computer or server to another (Examiner's Answer, page 28). Smith's user selecting files for transfer from one computer or server to another through a GUI on a FTP client is NOT a GUI for use in the process for programming/configuring/generating a conduit, as recited by claims 1-57.

The Examiner has failed to provide any support for the Examiner's apparent allegation that Smith's FTP client somehow equates to Applicant's claimed conduit. The Applicants have repeatedly pointed out that Hawkins fails to disclose, teach or suggest any application to a conduit, much less disclose, teach or suggest anything related to how a conduit is programmed/configured/generated, i.e., created. It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled "All Claim Limitations Must Be Taught or Suggested": "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' In re Wilson, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03 at 2100-133 (Rev. 2, May 2004). The Examiner has repeatedly ignored the fact that claims 1-57 are specifically directed toward programming/configuring/generating a conduit, and in particular to the use of a GUI within the process for programming/configuring/generating a conduit.

Moreover, the Examiner failed to refute that Hawkins' invention is directed toward a one button synchronization between a handheld computer, i.e., a PDA, and a personal computer system. Thus, Hawkins' invention simplifies

how synchronization between a PDA and a personal computer is performed. Modification of Hawkins' to use a graphical user interface to select databases for synchronization as a basis for creating a conduit is **nonsensical** since that would **completely** defeat the whole purpose of Hawkins' invention to simplify synchronization for a user.

Moreover, Hawkins' invention is directed toward simplifying a user experience through a one button solution for synchronization. Thus, Hawkins' invention for simplifying a user experience with a one button solution teaches away from the Examiner's modification of Hawkins to use a GUI that by its nature is a user interface that requires more than one button to perform its function.

Conclusion

Applicants have prosecuted this application in good faith, but continues to be faced by the current Examination team with 103 rejections, relying on references that fail disclose, teach or suggest the claimed features. As a result, Applicants have no choice but to Appeal the unfair and stubborn rejections by the Examiner in the present application.

For the reasons set forth above, the rejection of claims 1-57 is improper and should be reversed. The Applicants therefore respectfully requests that this Appeal be granted and that the rejections of the claims be reversed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William H. Bollman', written over a horizontal line.

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